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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of the Bahamas

Addendum

Replies of the Bahamas*

[Date received: 4 July 2018]

* The present document is being issued without formal editing.

Please recycle

Constitutional, legislative and policy framework

1. The Committee notes that while sex-based discrimination is prohibited under Article 15 of the Constitution on fundamental rights and freedoms, it is not included as a prohibited ground of discrimination in Article 26 of the Constitution which defines discrimination. In accordance with the state party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5, target 5.1 to end all forms of discrimination against all women and girls everywhere, please indicate whether any measures have been taken or are envisaged to amend the Constitution and other relevant legislation to incorporate the principle of equality of women and men, and to define and prohibit all forms of discrimination against women, including intersecting forms of discrimination, and direct and indirect discrimination in the public and private spheres (see CEDAW/C/BHS/Q/6, para 1).

Response

2. Amendments to The Bahamas Constitution are subject to the provisions of Article 54 of the Bahamas Independence Order 1973 supported by the Constitutional Referendum Act 1994.

Bahamas Constitutional Referendum 2016

3. On the 7th June, 2016, the Government of The Bahamas held a Constitutional Referendum to address some of the recommendations of the Constitutional Reform Commission with a view to effecting constitutional change by seeking to amend certain fundamental rights provisions to promote gender equality generally, and also with particular reference to spousal entitlements and the conferral of Bahamian nationality upon children.

4. The referendum was unsuccessful, notwithstanding the government's organizing of information sessions and extensive educational forums. The electorate, perhaps for multiple reasons, determined that it was not in the best interest of the country to effect the proposed amendments at that time. Below you will find the exact Referendum Questions and the corresponding results displayed in Table 1.

Question number one:

"Do you approve of The Bahamas Constitution Amendment Bill 2014? Under this proposed change to the constitution, a child born outside The Bahamas would become a Bahamian citizen at birth if either its mother or father is a citizen of The Bahamas by birth."

Question number two:

"Do you approve of The Bahamas Constitution Amendment number two Bill 2014? Under this proposed change to the constitution, the foreign spouse of a Bahamian citizen would be able to obtain citizenship subject to satisfying existing national security and public policy consideration and new provision guarding against marriage of convenience."

Question number three:

"Do you approve of The Bahamas Constitution Amendment number three Bill 2014? Under this proposed change to the constitution a Bahamian father of a child born out of wedlock would be able to pass his citizenship to that child subject to legal proof that he is the father."

Question number four:

"Do you approve of The Bahamas Constitution Amendment number four Bill 2014? Under this proposed change to the constitution it would be unlawful to discriminate based on sex and sex would be defined as meaning male or female."

Table No. 1
2016 Referendum Results

	For		*Against*	
Question	Votes	%	Votes	%
1	32,249	38.73	51,022	61.27
2	24,148	28.79	59,714	71.21
3	28,246	33.98	54,890	66.02
4	17,919	21.43	65,696	78.57

Source: Tribune242 (http://www.tribune242.com/news/2016/jun/10/06102016-edition/).

Referendum Education

5. An educational campaign was launched prior to the 2016 referendum. The Education team met with a cross section of persons including faith-based organizations in New Providence and the Family Islands, as well as television and radio appearances. The Family Islands visited included Grand Bahama, Abaco, Exuma, Cat Island, Long Island and Mayaguana to conduct education fora.

6. The constitutional referendum was clear evidence of democracy being displayed within The Bahamas. However, the Government is still left with the task of developing legal mechanisms to protect the citizens by promoting gender equality and equality in the transferral of citizenship.

Proposed Amendments to The Bahamas Nationality Act

7. In November 2017, the Prime Minister of the Commonwealth of The Bahamas, expressed his Government's commitment to promoting the fundamental rights and freedoms of the individual, and announced his Government's intent to draft an amendment to the Bahamas Nationality Act.

8. The proposed amendment to The Bahamas Nationality Act has the goal of promoting gender equality in that it will provide a mechanism whereby the minor child of a Bahamian male or female wherever born, in or out of wedlock, will be entitled to be registered as a Bahamian upon application by the parent(s) to the extent that the same does not derogate from the existing Constitution provisions, which do not confer an automatic right to citizenship without the need for application.

9. The Government has also announced a major initiative to systematically and expeditiously address the issue of statelessness in The Bahamas. The Government has introduced an Independent Review Committee, chaired by a retired Chief Justice, to review all pending applications for citizenship in an effort to clear the backlog that currently exists, allowing those applicants who qualify to receive and enjoy citizenship in appropriate cases. The Committee will make recommendations in all cases to the Immigration Board and the Minister of Immigration. These recommendations will ordinarily be followed unless there are compelling reasons, usually of public safety or national security, to refuse to follow the recommendations.

Access to justice

10. Please provide examples of cases, if any, in which the provisions of the Convention have been referred to by domestic courts, and indicate what measures have been taken to inform women about procedures available to them to enforce their rights under the Convention, to challenge discrimination and obtain redress. Please indicate how low income women have adequate access to legal aid. Pursuant to paragraph 24 (d) of the previous concluding observations (CEDAW/C/BHS/CO/1-5), THE Committee notes the measures taken by the State party such as the implementation by the Attorney General of a "Swift Justice" initiative and the establishment of a specific Sexual Offences Unit within the Department of Public Prosecutions. Please indicate data on the impact of these measures since their introduction. Please also indicate whether in addition to current interventions, the State Party plans to establish specialized courts in order to reduce judiciary backlogs (see CEDAW/C/BHS/Q/6, para 2).

Response

Legal Aid

11. Free legal advice is provided for the benefit of under privileged persons requiring legal assistance and representation within the jurisdiction of The Bahamas. The Legal Aid Clinic falls within the purview of the Eugene Dupuch Law School, a government subsidized institution, which provides the practical training required of individuals who obtained a qualifying law degree to allow them to demonstrate their competence and proficiency in the practice to be called to The Bahamas Bar. The institution is headed by a Principal and Faculty which oversees the operations of the Clinic. The Clinic itself is managed by a seasoned Attorney who serves in the office of Director and supported by other trained attorneys and retired justices oversee the initiation and progress of actual cases with the direct involvement of final year students.

12. The Legal Aid Clinic is operated for the benefit of members of the public in need. Priority is given to cases involving protecting the rights and privileges of women and children. Female clients outnumber males almost 2:1. For the year 2016, there were 132 male clients and 242 female clients. In 2017, there were 117 male clients and 240 female clients.

Swift Justice Initiative

13. The establishment of the "Swift Justice" Initiative from 2012, has and continues to provide substantial benefits to The Bahamas' Criminal Justice System. The initiative serves a critical role to proactively identify and respond to the lack of performance or weaknesses in the justice system, as well as strengthen transparency.

14. The Bahamas is pleased to provide statistics to illustrate the effectiveness of the Swift Justice Initiative. In 2015, 232 matters were disposed before the Supreme Court. This was 114 more cases than in 2012. There has been a doubling in the rate of convictions compared to 2012, from 31% to 67% in 2016. The conviction rate for murder was 72%. The time for presentation of the Voluntary Bill of Indictment decreased from 344 days in 2012, to 68 days in 2016. Seven murder matters were concluded in one year of charge in 2015, and 40 matters were resolved in the same year as the accused was charged. In 2015 there was a decrease in the number of applications for bail.

15. Justice system stakeholders are collaborating in new ways through the Swift Justice Team (Office of the Attorney-General, Royal Bahamas Police Force, Bahamas

Department of Corrections, Public Hospitals Authority and Department of Social Services), which meets weekly to effectively communicate on any matters or actions needed to be taken to meet the prosecutorial needs of the Crown.

Backlog Task Force

16. Since 2013, the Office of the Attorney-General (OAG) has made more progress in tackling the backlog of criminal cases than any other time before in the last two decades. A Backlog Task Force was established in 2015 to closely review all outstanding cases and make determinations on how they should proceed. Since 2012, the OAG has seen a consistent increase in the amount of matters resolved per year. This is due, in part to an increase in the number of criminal courts from six (6) to ten (10) and an increase in staffing. Because of these two factors, the OAG has seen a resolution rate of 230 matters per year compared to 118 in 2012.

Public Defender's Office

17. There are ten (10) criminal courts operating in the Supreme Court. This represents an increase from six (6) courts in operation in 2012. All the courts are outfitted with internet and video conferencing capacity. The improved information technology equipment is beneficial for court reporting, which provides for more timely transcripts for adjudicating matters.

18. The Bahamas is pleased to report that it has established the Public Defender's Office, a non-profit independent entity governed by a Board of Directors. The significance of this Office, which opened on 19 January 2017, is that it is specifically dedicated to defending the accused, and easing the reliance on the crown brief system. This assures defendants the protection of the law and equal access to justice and reduces the delay caused by the inability of defendants to secure counsel.

19. There are specific Magistrate Courts and Supreme Courts assigned to address family matters. Women can access these courts with or without legal representation. The types of matters heard in the Magistrate Courts include, inter alia, Child Maintenance and Custody and Domestic Violence Protection Orders. The type of matters heard in the Supreme Courts include Divorce, Guardianship and Adoptions.

Freedom of Information Act (2017)

20. Other available frameworks include, the Freedom of Information Act (2017). Section 4(1) states that the object of this Act are to reinforce and give further effect to certain fundamental principles underlying the system of constitutional democracy namely: (a) governmental accountability; (b) transparency; and (c) public participation in national decision-making.

National machinery for the advancement of women

21. Please indicate the measures taken by the State party to further strengthen its national machinery for the advancement of women, particularly the Bureau of Women's Affairs (BWA), including by clearly defining the mandate and responsibilities of its components and enhancing coordination among them, as well as through the provision of adequate human and financial resources. Please inform the Committee whether the anticipated expansion of the Bureau to a Department of Gender Affairs, concluded in 2012, has been implemented and whether an impact assessment of the five year strategic plan has been undertaken (para. 23). Please further indicate whether the Convention and the Committee's General Recommendations are being integrated into capacity building programmes for law-makers, judges, prosecutors, lawyers, as well as the police and other law enforcement

officials. Please also inform the Committee about any gender responsive budgeting activities that have been developed (see CEDAW/C/BHS/Q/6, para 3).

Response

22. In an effort to fulfil the CEDAW Committee's General Recommendation number 6, the Government of The Bahamas continues to take measures to strengthen its national machinery. In June, 1981 a Women's Desk was established. The Desk was renamed the Women's Affairs Unit in September, 1987. In January, 1995, the Unit was renamed the Bureau of Women's Affairs, and was elevated to a Department of Gender and Family Affairs in October, 2016. The expansion of its mandate as reflected in its new name and further establishment as a Department serves to coordinate advocate and inform policy for and on behalf of women and girls, men and boys. The scope of work of the Department has been expanded to include tackling social challenges of both women and men.

23. The Department of Gender and Family Affairs has conducted a number of awareness raising initiatives with respect to the provisions and articles of the CEDAW Convention. On 22 September, 2016, a CEDAW education forum was held in Freeport, Grand Bahama. Males and females representing Government and Non-Governmental organizations and high school students were in attendance. In November, 2017, during National Women's Week, a Town Hall meeting on CEDAW was held in New Providence. On 22 June, 2018, the National Women's Advisory Council in collaboration with the Department of Gender and Family Affairs, held an education forum on CEDAW for a cross section of Government, Non-government and Civil Society organizations and the media. A Member of the CEDAW Committee served as the featured speaker.

24. Currently, the staff complement of the Department includes a Director, Senior Public Officer, Coordinator and technical officer, administrative officers and support staff. The Department intends to undergo a robust training exercise to identify and train Gender Officers to be attached to various Ministries and Departments and to support the technical work of the Department of Gender and Family Affairs.

25. The Budget for the Department of Gender and Family Affairs was increased by over 250%; from $100,000 during the 2016/17 fiscal period to $350,000 during the 2017/18 and the 2018/19 fiscal periods. The Budget allocations are specifically for gender based activities, which reflects the ideals of Performance Based Programme Budgeting.

26. Both the draft Gender Policy and the draft Strategic Plan for the Department of Gender and Family Affairs are under review.

National Gender-based Violence Awareness Campaign

27. A National Gender-Based Violence Awareness Campaign was launched by the Department of Gender and Family Affairs in February, 2017 with presentations on Sexual Harassment to high school students in New Providence. In May, 2017, the Department extended the campaign to Grand Bahama.

Rural Women Survey

28. In February, 2018, the Department of Gender and Family Affairs conducted a survey of the needs and challenges of women and girls in rural communities identified throughout our major Family Islands. Information gathered provided a better insight into the situation of women who live in rural communities.

Women's Empowerment Initiatives

29. In recent efforts to assist with meeting the needs of and provide empowerment opportunities for women and girls, the Department of Gender and Family Affairs has partnered with a number of civil society organizations in sponsoring the following initiatives:

- The South Andros Handicraft and Manufacturers Association (SAHMA) Preserves Production. The project will encourage entrepreneurs to use organically grown fruits to enhance their local cottage industries;
- A partnership with the Bahamas Network of Rural Women Producers (BAHNROP) in conducting a Straw Plaiting Project for persons in Acklins. The project is expected to become an income generating one for the participants;
- The Department of Gender and Family Affairs has partnered with the Cat Island Farmers' Association to provide equipment to farmers.

Temporary special measures

30. While noting that the report outlines the creation of a course entitled "Leadership for Women in Politics" which aimed at encouraging women to consider political leadership roles, the Committee notes that only one out of nineteen participants was confirmed as a candidate by one of the political parties. Furthermore, the report fails to provide details on whether any temporary special measures have been implemented or are envisaged as a means of accelerating the full and equal participation of women in all areas of the Convention where they are disadvantaged or underrepresented, in line with article 4 (1) of the Convention, the Committee's general recommendation No. 25 (2004) on temporary special measures. In this regard, please provide information on the adoption of temporary special measures to accelerate women's participation in areas such as political life, decision-making positions, in education and traditionally male-dominated sectors of employment and indicate the results achieved (see CEDAW/C/BHS/Q/6, para 4).

Response

Women in Leadership Course

31. The Bahamas has a democratic system of governance. Women who are willing to offer themselves for public service are at liberty to do so, they are equal to their male counterparts. Serving female parliamentarians, as members of the Commonwealth Women's Parliamentarians (CWP) Branch of the Commonwealth Parliamentary Association are mandated to promote and provide support for women interested in leadership. The Government partners with women groups, for example, the Zonta Clubs, that exposes women to leadership skills.

32. The Department of Gender and Family Affairs in partnership with the University of The Bahamas plans to offer Cohort 3 of the Women in Leadership Course to women in New Providence and the Family Islands.

Workforce Readiness Programmes

33. With respect to accelerating participation in traditionally male-dominated sectors of employment, the Bahamas Technical and Vocational Institute (BTVI), in partnership with the Ministries of Education and Youth, Sports and Culture have conducted Workforce Readiness Programmes in basic plumbing, basic electrical, painting and dry walling. Females participated in all of the programmes.

Stereotypes and harmful practices

34. In addition to the activities currently put in place by the BWA, please provide information on any other measures taken by the State party to develop a comprehensive policy to change social and cultural patterns that reinforce traditional stereotypes on the roles and responsibilities of women and men in the family and in society, particularly targeting schools as well as negative media messaging and portrayal of women. Please provide information on how the upgrade of the Bureau to the Department of Family and Gender Affairs will operationalize awareness-raising on gender stereotyping (see CEDAW/C/BHS/Q/6, para 5).

Draft Gender Policy Implementation Plan

35. The Department of Gender and Family Affairs is cognisant of its role in eliminating stereotypical portrayals of gender. In this regard, it is envisaged that the draft gender policy implementation plan will have a comprehensive strategy to address negative stereotyping and harmful practices. For example, the Policy will address negative stereotyping in the areas of labour, education and health.

36. Currently, the Ministry of Education's Health and Family Life Education Curriculum, has a gender stereotyping component for students from grade 3 level and above. The objectives of the Programme include the recognition of sexuality as a personal view of maleness and femaleness and examines the factors that influence sexuality. It also explores roles, responsibilities and biases or stereotyping related to gender.

Table No. 2
Students enrolled in Health and Family Life Education

	Students		*Health & Family Life Teachers*	
Grades	*Females*	*Males*	*Females*	*Males*
7-12	9,834	9,705	324	77

Source: Ministry of Ed .cation, Science & Technology.

Gender-based violence against women

37. With reference to paragraph 24(b) of the previous concluding observations (CEDAW/C/BHS/CO/1-5) in which the Committee called for the amendment of the Sexual Offences and Domestic Violence Act 1991 to criminalize marital rape, please indicate what steps have been taken to explicitly criminalize martial rape and define it based on the lack of consent. Pursuant to paragraph 2(b) of the follow-up information provided by the State party (CEDAW/C/BHS/CO/1-5/Add.1) Please indicate the results of the numerous initiatives pursued by the State party to eliminated gender-based violence. Please also provide statistical information on the number of prosecutions, convictions and on the sentences imposed on perpetrators of gender-based violence against women, disaggregated by age and relationship between the victim and perpetrator and geographical location. Please also provide information on the number of women victims of gender-based violence who have received counselling, legal assistance, shelter and government support services, access to free legal aid (para. 28), as well as on the number of protection orders issues in domestic violence cases (see CEDAW/C/BHS/Q/6, para 6).

Response

Spousal Sexual Abuse (Draft Amendment to the Sexual Offences Act)

38. The Government of The Bahamas maintains its commitment to the elimination and eradication of all forms of violence against women and girls and against any individual. The country is aware of the concerns of human rights treaty bodies with respect to the criminalization of marital rape. As a result, the Office of the Attorney General has drafted an amendment to the Sexual Offences Act, which provides for the offence of 'spousal sexual abuse'. The new clause provides that a complaint under this section must be made within one year after the cause of the complaint arose. Where applicable, the defendant spouse may be prosecuted with the consent of the Attorney-General.

39. It should be noted that although the proposed offence is not labelled as "marital rape", it incorporates all of the elements of the offence of rape.

40. The draft Bill follows the tenor of the pre-existing law which treats instances of marital rape where there are ongoing divorce proceedings, or a decree of judicial separation, or a separation agreement, as being offences of "spousal sexual abuse". Marital rape in the context of a subsisting marriage will now be criminalized as "spousal sexual abuse".

41. The draft Bill has been circulated to religious leaders and civil society advocates for comments in advance of formal publication by way of tabling the same in Parliament. We can confirm that responses received from the religious community and civil society have been supportive of the proposed amendment to the Law.

Safe Houses, Public Private Partnerships, Subvention Programs

42. The Department of Social Services provides safe houses and shelters for persons in need, inclusive of victims of gender-based violence. Further, the Ministry of Social Services provides sponsorship of privately owned safe houses designed to provide temporary shelter and counselling assistance to victims of domestic, sexual and gender-based violence. The Ministry currently partners with a number of organizations including Links Incorporated, Bahamas Red Cross, Bahamas Crisis Centre, Salvation Army, Great Commission Ministries, and the Roman Catholic Church Men's Programme to provide services and protection for individuals. Further, the Department of Rehabilitative Welfare Services provide weekly seminars and counselling sessions for families, victims, ex-offenders and in confined facilities, to prisoners serving time or sentenced to the Bahamas Department of Corrections.

43. The Government of The Bahamas provides annual grants to homes and residential care facilities designed as a shelter for individuals subject to threats of violence, actual violence, neglect or abuse inclusive of women, men, girls and boys, in addition to persons suffering from disability.

44. Social Services also provide counselling services in community Urban Centres, in addition to facilitating anger management and social upliftment programmes. These programmes benefit at-risk youth, those disadvantaged and marginalized by virtue of their environment and economic conditions, many of whom are women and girls. The Government of The Bahamas has commissioned the establishment of community centres on every major island; 23 of the 25 are functioning and operational. These centres are designed under a one-stop inter-agency model to provide essential services of health, environment, social assistance and development to ensure prompt and effective response to the needs of vulnerable individuals in urban communities and rural spaces.

45. In partnership with the Ministry of National Security, the Royal Bahamas Police Force has a Family Liaison Unit which provides ongoing comprehensive support services to victims of traumatic experiences. The police work with the Bahamas Crisis Centre in providing support services, which include therapeutic intervention and counselling.

Anti-violence Awareness Raising Campaigns

46. Awareness Raising Campaigns by the Police include School Summits. These initiatives began in the Fall of 2017 in an effort to quell gang-related activities. They are being conducted to ensure that young boys and girls are informed about ways to respond to acts of violence toward them. The targeted age groups are students at the primary school level from grades 3 to 6. By the end of May, 2018, a total of 875 students have participated. From grades 7 to 9, 750 students have participated. A total of 600 students from grades 10 to 12 participated in the programme.

47. The topics covered at these sessions were (1) Cyberbullying, (2) Gangs, and (3) Sexual Exploitation. The sessions are conducted by teams of officers from the Central Detective Unit and uniform branches. As summer is about to commence, the Police Force will conduct the same activities during their Summer Camp Programme which has been in existence for 25 years. During 2017, there were 1,600 students in attendance to the camps throughout the country and it is anticipated that the numbers would be just as large. The School Summits will remain on the calendar of the Police Force for the rest of 2018.

48. By May 2018, eighty (80) police officers benefitted from training sponsored by the Pan American Development Fund. The training targeted frontline officers on How to manage victims of gender-based violence. The topics covered during this training were: "All Forms of Abuse"; "Gender-Based Violence"; "*Sexual Offence and Domestic Violence Policy*"; "*Steps to take to obtain a Protection Order*"; and "*Sex Kits procedures for Police Officers and Medical Staff*".

49. In June 2018, a two-day Workshop titled "Educating Men and Women to Stop Domestic Violence" was held for Police Officers. The objective of the Workshop was to raise awareness and discuss good practices when addressing matters of domestic violence.

Trafficking

50. Please provide information on the number cases investigated, prosecuted and the sentences imposed on perpetrators of trafficking in human beings, particularly women and girls. Please also provide details on the mandate, work and impact of the Inter-Ministry Committee for Trafficking-in-Persons (TIP Committee) and the Trafficking-in-Persons Task Force. Please indicate the measures taken to strengthen awareness-raising programmes on the criminal nature and risks of trafficking, particularly in low income urban areas, and to ensure the provision of adequate protection and assistance to women and girl victims of trafficking, including the provision of shelters and rehabilitation and reintegration support (see CEDAW/C/BHS/Q/6, para 8).

Responses

Trafficking in Persons Inter-Ministry Committee and Task Force

51. Both the Trafficking in Persons (TIP) Inter-Ministry Committee and the Task Force collectively have the purview of all trafficking matters.

52. The Committee, which commenced its functions in November 2011, makes recommendations to strengthen national anti-trafficking initiatives, including through the identification of opportunities for training, dissemination of information, public awareness, and coordinating The Bahamas reporting obligations to regional and international organizations.

53. The Trafficking in Persons Task Force, which was established in March, 2012 is an operational body whose responsibility include the identification of a victim or potential victim and prosecution of an alleged trafficker.

54. Twelve (12) cases of Trafficking in Persons were investigated by the Police for the period, April, 2017 to March 2018; ten (10) of which were sexual and two were labour trafficking cases. After interviewing this group of persons, the Police, in consultation with the Attorney General's Office and the Department of Labour determined that this group were not victims of trafficking.

55. The TIP Inter-Ministry Committee and the TIP Task Force have co-sponsored various awareness raising activities including:

- Annual School Awareness Programme, during the months of September to November, 2017, in which the Committee spoke with more than 3,500 students and distributed more than 4,000 TIP Brochures;
- Radio talk shows, including: '*Joining Hands for Health*' and '*Let's Talk Health*';
- The publishing of an Anti-Trafficking Proclamation in commemoration of Anti-World Trafficking Day;
- Distributions of Trafficking Brochures and Book Marks in excess of 15,000.

56. The TIP Committee has continuous partnerships with NGOs including the Bahamas Red Cross, The Salvation Army, and the Bahamas Crisis Centre, which operates a "hotline" for victims of abuse, including victims of trafficking in persons. The Links Safe House, a residential facility which provides shelter for victims of domestic violence, is also open to victims or potential victims of trafficking in persons. The Department of Social Services is the Agency mandated by the Trafficking in Persons Act and Protocol to provide care for all victims and organizes food, clothing, shelter, medical assistance and legal advisement.

57. Victims and potential victims are removed from their environment in which they are being trafficked and taken to a safe location. The Victim Support Unit of the Royal Bahamas Police Force's Central Detective Unit, assists in this exercise. When a victim is identified, law enforcement must provide reasonable protection to the victim to prevent their recapture by the traffickers and their associates. If the victim resides in The Bahamas, law enforcement must secure the victim and the victim's family from threats, intimidation or retaliation by the traffickers and their associates.

58. The Penal Code addresses the offense of prostitution in The Bahamas.

The report indicates that prostitution remains a criminal offence in State party. While noting that Section 10 of the TIP Act ensures protection for victims of prostitution, please inform the Committee on steps taken to decriminalize women's involvement in prostitution and ensuring that women involved in the sex trade are not punished. Please also provide further information on access to contraceptives and sexual and reproductive health services by women and girls in prostitution. Please also provide further information and data on the prevalence of exploitation of prostitution, including girls involved in prostitution, and the measures taken or envisaged to address the root causes of prostitution and to prevent women and girls in vulnerable situations from entering into prostitution, including the provision of alternative income opportunities (see CEDAW/C/BHS/Q/6, para 9).

Prevention Programmes for Vulnerable Groups

59. The Bahamas Urban Youth Development Centre (BUYDC), a local NGO has taken measures to assist women and girls in vulnerable situations. BUYDC has targeted young, vulnerable women through a community Outreach intervention model in which informative presentations on HIV, sexual health and risk reduction are provided through social events. Between 2012 and 2015, 180 females participated in the programme. BUYDC was established in 2010, however due to a lack of funding, the programme was discontinued in October, 2017.

60. The HIV/AIDS Secretariat conducts a Condom Social Marketing Programme, which falls under the HIV/AIDS Centre Prevention Programme. The Programme targets vulnerable groups including sex workers.

Participation in political and public life

61. The report indicates that five out of 16 members (thirty-one per cent) appointed to the Honourable Senate (Upper House) are women (para. 58). Furthermore, the report also indicates that in the elections held in the state party in 2012, only thirteen per cent (13%) of the elected members to Parliament (Lower House) were women. While acknowledging the efforts made by the state party in increasing the representation of women, the Committee notes that women represent only 18.5% of the total representatives and only 23% of key positions in Parliament. Please provide information on measures taken to introduce a system of quotas that would aim at reaching a minimum 30 per cent representation of women in Parliament, including through the adoption of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, and to support women candidates for elected positions in the State party. Please inform the Committee as to whether any system of quotas or other temporary measures have been used in the latest elections, held in 2017. Please provide updated statistics on the gender composition of all legislative, executive and judicial bodies at the federal, state and territorial levels, as well as of the military and the police, independent administrative authorities and key consultative state bodies, the senior civil service administration, the diplomatic service, and company boards and management (see CEDAW/C/BHS/Q/6, para 10).

Response

62. Presently, no quota system is in place. It is envisaged that the Department of Gender and Family Affairs will continue its Women in Leadership programme as a means of encouraging women to consider offering themselves for public life.

Statistics of Women in Leadership and National Service

63. Updated statistics on the gender composition of legislative, executive, judicial bodies as well as other areas of leadership are listed.

- As at May, 2018, in the Judiciary, 68% of women hold the positions of Justices, 83% are Registrars and 57% are Magistrates;
- In politics, 5% women hold the position of Cabinet Minister, 12% are parliamentarians and 43% are Senators;
- In the category of the Public Service, 78% are Directors, 31% serve as local Family island Administrators and 9% as Chief Councillors. 65% of women hold the position of Permanent Secretary, and the Secretary to the Cabinet is a woman;

- In education: 68% of women hold the positions of principal of Private high schools, and 62% are principles of public high schools;
- In the Public and Private Sectors of health, currently 45% of the physicians are females and 75% are Hospital Administrators;
- In the category of trade unions, currently 53% of the presidents of the National Congress of Trade Unions are women and 42% are presidents of the Trade Union Congress are females.

64. In the category of law enforcement agencies: 23% of the Police Force are female officers; 9% of the Defence Force are female officers; 4% of Prison Officers are females and 50% of Immigration Officers are females.

Nationality

65. Please provide information on steps taken to amend the Nationality Act of 1973 in order to ensure that Bahamian women have equal rights as Bahamian men to confer their nationality to their children in all circumstance in order to reduce statelessness, in line with the Committee's General Recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and General Recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. Please also provide information on steps taken to introduce a gender-sensitive statelessness determination procedure aimed at identifying stateless persons and affording them protection, including access to naturalization procedures. While noting that a referendum was held in 2016, please inform that Committee on steps taken or envisaged aiming at ensuring that Bahamian women can transmit their nationality to non-Bahamian spouses on equal terms with Bahamian men. Please indicate what steps have been taken by the State Party in order to review its reservations to the Convention, especially those related to articles 2 (a) and 9 (2) on nationality, with a view to their withdrawal (see CEDAW/C/BHS/Q/6, para 11).

Response

2012 and 2016 Constitutional Referenda

66. The Government of The Bahamas held Constitutional Referenda on two occasions (2012 and 2016) to enable Bahamian women to pass on their nationality to their children on equal terms with men, however both attempts failed.

Provisions of The Bahamas Nationality Act, 1973

67. There is, however, a provision in The Bahamas Nationality Act, 1973, Section 6, for Bahamian women to apply to register their children as minors.

Section 6 (1) states that:

"The Minister may at his discretion cause the minor child of a citizen of The Bahamas to be registered as a citizen of The Bahamas upon application made in the prescribed manner by the parent or guardian of such child.

(2) "The Minister may at his discretion, in such special circumstances as he may think fit, cause any minor to be registered as a citizen of The Bahamas."

Although children in this category do not receive automatic citizenship at birth, many Bahamian women make application via this means.

68. Regarding stateless persons, consideration is given for persons born in The Bahamas who may not be able to avail themselves of the nationality of their parents

to apply for citizenship. These persons are considered under the premise that they do not have the ability to acquire the citizenship of their parents.

69. The Department of Immigration has taken the position that current spouses of Bahamians (male or female) can apply for Permanent Residence status after ten (10) years of marriage.

Table No. 3
Persons Registered or Naturalized

	2016		*2017*		*2018 (half year)*	
	Number of persons naturalized	*% of women*	*Number of persons naturalized*	*% of women*	*Number of persons naturalized*	*% of women*
Men	176	44%	324	48%	131	68%
Women	221	56%	358	52%	61	32%
Total	**397**		**682**		**192**	

Source: Department of Immigration.

Education

70. The Committee notes that the information on Access to Education and Literacy Rates remains unchanged since the last report. The Committee further notes the implementation of a technical and vocational education and training (TVET) body, created by virtue of the National Training Agency Act of 2013. It also noted that from 2012 to 2015, the Government awarded a total of 2,319 scholarships to Bahamian students with 1,521 recipients being female, forming 65.6% of the total awardees (para. 82 of the State party's report). Please provide information on further steps taken to assess the lack of impact of the plans and on measures under development to diversify educational and academic choices, including in non-traditional fields and on geographical discrepancies in educational attainment. Please also provide updated statistics on females pursuing and teaching non-traditional fields' courses. Please indicate whether or how the State party monitors the incidence of harassment, including sexual harassment, of women and girls in the education system. Please inform on the status of corporal punishment within and outside of the educational setting. Please also provide information on measures to integrate asylum-seeking, refugee and migrant women and girls into the education system at all levels (see CEDAW/C/BHS/Q/6, para 12).

Response

71. The National Training Agency was reconstituted in May 2017. The group is comprised of 50% women, with a female appointed as chair. In addition to the National Training Agency, a statutory advisory body has been constituted for Technical and Vocational Education at the postsecondary level.

72. The delivery of Education takes place within the legislative framework of the Education Act. The process for the revision of the Education Act begun in 2016, with technical support secured from the United Nations Organization for Education, Science and Culture. The strengthening of policies related to student learning outcomes and teacher quality is the focus in this iteration. Curriculum Reform is taking place simultaneously. It is anticipated that the rigor and relevance of the curriculum as it is being reformed will better address equity.

73. Students are able to access technical and vocational programmes in public schools throughout The Bahamas. The following table shows the programmes available in these schools and accessed by students throughout The Bahamas.

Table No. 4
Public and Private Student Enrolment by School Type

2017-2018 School Year

	Public			*Independent*			
School Type	*Males*	*Females*	***Total***	*Males*	*Females*	***Total***	***Total***
Preschool	219	249	**468**	0	0	**0**	**468**
Primary	11919	11389	**23308**	1606	1691	**3297**	**26605**
Junior	3434	3403	**6837**	37	59	**96**	**6933**
Senior	2773	3071	**5844**	0	0	**0**	**5844**
Secondary	3037	2937	**5974**	686	806	**1492**	**7466**
All-Age	517	572	**1089**	5282	6059	**11341**	**12430**
Special School	124	112	**236**	0	0	**0**	**236**
Total	**22,023**	**21,733**	**43,756**	**7,611**	**8,615**	**16,226**	**59,982**

Source: Department of Education, Science and Technology.

Table No. 5
Technical and vocation education training program — 2017

Tvet Program	*Subject Total Enrollment*	*Male Enrollment*	*Female Enrollment*	*% Female Enrollment*
Accommodation	62	19	43	69
Auto CAD	111	108	3	3
Auto Body	94	93	1	1
Auto Mechanics	262	250	12	5
Barbering	45	44	1	2
Book Keeping & Accounts	625	239	386	62
Carpentry & Joinery Woodwork	762	723	39	5
Clothing Construction	737	222	515	70
Cosmetology	389	54	335	86
Commercial Art Computer Assisted Drawing	135	131	4	3
Commerce	577	203	374	65
Computer Studies	1929	1143	786	41
Craft	255	133	122	48
Economics	267	96	171	64
Electrical Installation	435	417	18	4
Entrepreneur Studies	221	101	120	54
Family & Consumer Science	356	134	22	62
Food & Nutrition	1048	441	607	58
Food Preparation	62	20	42	68
Graphical Communications	743	683	60	8

Tvet Program	*Subject Total Enrollment*	*Male Enrollment*	*Female Enrollment*	*% Female Enrollment*
Home Economics	899	293	606	67
Keyboarding	454	164	290	64
Office Procedures	569	216	353	62
Technical Drawing	723	566	157	22
Tourism & Hospitality Studies	330	119	211	64
Typewriting	98	53	45	46
Welding	37	30	7	19
Total TVET Enrolment	**12,237**	**6,697**	**5,540**	**45.3**

Source: 2017 National Education Census.

74. Within the legislative framework of the Education Act, (Sections 22, 23, 25) the compulsory schooling of all children, ages five through sixteen is still mandated for all within the borders. Additionally, the Right to Education is enforced through additional legislation of The Child Protection Act, Section 5.

Table No. 6
Scholarships awarded by gender 2010-2017

	2010			*2011*			*2012*			*2013*		
	M	*F*	***Total***	*M*	*F*	***Total***	*M*	*F*	***Total***	*M*	*F*	***Total***
Merit	4	4	**8**	5	12	**17**	8	12	**20**	3	5	**8**
Academic	4	6	**10**	7	7	**14**	11	13	**24**	7	11	**18**
Technical	11	1	**12**	9	9	**18**	9	10	**19**	15	5	**20**
Grant	77	165	**242**	141	235	**376**	158	314	**472**	160	319	**479**
Total			**272**			**425**			**535**			**525**

	2014			*2015*			*2016*			*2017*		
	M	*F*	***Total***	*M*	*F*	***Total***	*M*	*F*	***Total***	*M*	*F*	***Total***
Merit	7	9	**16**	10	12	**22**	5	19	**24**	7	8	**15**
Academic	5	13	**18**	4	4	**8**	5	4	**9**	4	11	**15**
Technical	9	3	**12**	7	4	**11**	8	5	**13**	20	21	**41**
Grant	158	325	**483**	205	387	**592**	280	481	**761**	147	262	**409**
Total			**529**			**633**			**807**			**480**

Source: Ministry of Education Scholarship Division.

75. In the 2017-2018 school year, a total of 480 Scholarships were awarded in the categories of Merit, Academic, Technical and Grants. Of these, 63% were granted to females.

76. In 2014, the Ministry of Education produced the third edition of the Safe School Manual, which outlines protocols and procedures for maintaining a safe school. This manual gives guidelines on how to develop and maintain the teaching-learning environment that is safe for all. It encourages a teacher-student-parent relationship that promotes safety as a key goal.

77. This same Safe School Manual speaks to the issue of corporal punishment in public schools. It is to be administered as a last resort, by an administrator or by person designated by the administrator. Therefore, in the case of females, a female teacher may administer corporal punishment to a female student if designated by the school's administrator. The Bahamas is a co-sponsor of the Convention on the Rights of the Child Resolution, and regards highly the importance of non-violence against the girl child.

Employment

78. While noting that the Ministry of Education, Science, and Technology continues to provide opportunities to access quality education, please provide information on measures taken to encourage women to participate in areas of the formal labour market that have traditionally been occupied by men, including in the fields of engineering, science and technology. Furthermore, please provide information on measures taken to implement employment policies aimed at reducing the unequal rates/higher level of unemployment of women and to combat sexual harassment. Please inform the Committee on measures taken to enact appropriate legislation that guarantees the principle of "equal pay for work of equal value" in all areas of work, in line with article 11 (1) (d) of the Convention on the Elimination of All Forms of Discrimination Against Women. Please also inform the Committee on the level of implementation of such legislation (see CEDAW/C/BHS/Q/6, para 13).

Response

79. As at May, 2017, the labour force participation rate for all Bahamas was 80.0%. Males accounted for 83.1% and females accounted for 74.9%. Since November 2016, the unemployment rate declined from 11.6% to 9.9% due to an increase of employed persons (7,770) and a decrease of unemployed persons (3,485). As at May, 2017, the total unemployed rate stood at 9.9%. Males accounted for 8.9% of the unemployment rate and females accounted for 10.9%.

80. Regarding the principle of "equal pay for work of equal value", the Employment Act, 2001, Part I, Section 6 states that:

> "No employer or person acting on behalf of an employer shall discriminate against an employee or applicant for employment on the basis of race, creed, sex, marital status, political opinion, age or HIV/AIDS status.
>
> (b) Paying him at a rate of pay less than the rate of pay of another employee for substantially the same kind of work or for work of equal value performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility and which is performed under similar working conditions ..."

81. Sexual Harassment is also addressed in the Statute Laws of The Bahamas: Chapter 99 of the Sexual Offences Act, Section 26 (1) states that:

> "Any persons who
>
> (a) Being a prospective employer importunes or solicits sexual favours from another person:
>
> (i) In the terms or conditions on which he offers, to that person or any other person, employment or admission into any institution; or
>
> (ii) Under a threat of rejection (whether implied or otherwise) of any application made by the person or any other person for employment or for admission into any institution, or of causing such rejection;

(b) Being in a position of authority over, or being a co-worker of, another person in any place of employment or any institution, importunes or solicits sexual favours from that other person under any holding out, promise or threat of the grant or imposition of any favour, benefit, advantage or disadvantage, as the case may be, at the place of employment or institution; or

(c) Importunes or solicits from a person in a position of authority in any place of employment or any institution, any favour, benefit or advantage, or the forbearance from the exercise of any right, power or duty relating to that authority under any holding out or promise of sexual favours, is guilty of the offence of sexual harassment."

Health

82. Please provide information on: (a) the percentage of the national budget allocated to women's health; (b) the maternal mortality rate; (c) women's access to basic health-care services, including essential obstetric care and sexual and reproductive health services. Please inform the Committee on measures taken in order to broaden the conditions under which abortion can be legally available, including in instances of rape, incest or severe fetal impairment and the health of the woman (see CEDAW/C/BHS/Q/6, para 14).

Response

83. In 2017, the Government of The Bahamas allocated in excess of three hundred million dollars to the Health Sector. However, there are no figures relating specifically to Women's Health. Funds which provide care to women who seek emergency care, are hospitalized, attend outpatient clinics or various laboratory and imaging services are accessed from the Public Hospital Authority's Budget which manages the care from our hospitals namely, The Princess Margaret Hospital, Rand Memorial Hospital and the Sandiland's Rehabilitation Centre. The total budget allocated for the Department of Public Health which has the responsibility of providing Ante-natal and Post-natal care to women as well as care relating to Sexual and Reproductive Health is five million dollars. As it relates to Women's Health, budgetary allocations to the Public Hospital's Authority which provides care to women in our hospitals are also to be considered.

84. The total number of women dying during pregnancy and the forty-two days post-delivery in The Bahamas is as stated in Table No. 7.

Table No. 7

Year	*Number of Deaths*
2012	4
2013	3
2014	3

85. All women can access health care through numerous public and private health centres throughout the islands. Clients are able to be seen free of charge in government facilities. As it relates to obstetric care, there is a standardized assessment of the clients' risk level at their initial visit wherever they are seen, and a pattern of care and management is determined.

86. There has been increasing dialogue relating to the availability of abortions to women, however to date no changes have been made since the previous reporting period.

87. As early as 1993, the Ministry of Health saw the need to promote healthy lifestyles for youth through the provision of healthcare, health education, and a supportive environment that will empower youth within the framework of families and society. To this end, the Adolescent Health Centre was established to provide holistic, accurate and confidential healthcare. This care includes sexual and reproductive health services.

88. While noting that the age for sexual consent is 16, according to information before the Committee the age for receiving contraceptive and other health services without requiring parental consent is set at 18. Please inform the Committee on measure taken to ensure that girls receive adequate sexual and reproductive health services, particularly in order to reduce the risk of HIV infection. Please inform the Committee on steps taken to ensure that all women and girls have free and adequate access to contraceptives and sexual and reproductive health services, including in the Family Islands (see CEDAW/C/BHS/Q/6, para 5).

Response

89. The Ministry of Health Public Sector has a policy that all sexual and reproductive health services for women and girls including the various types of birth control methods are provided free of charge throughout the country including the family Islands.

90. There are a variety of contraceptive methods available. Women and girls can choose the method that is best suited for their needs. The methods include oral which is taken daily, injectable, which can be taken monthly or quarterly or norplant which is done every five years. In addition, the male and female condoms are available.

Rural Women

91. In line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide information on measures taken to protect their rights and, if any, please describe to what extent rural women have been involved in the development of these measures. Please specify whether measures, including temporary special measures, have been adopted to address disparities that rural women may face with regard to access to land and property, as well as basic social services, including education and health, and participation in decision-making processes (see CEDAW/C/BHS/Q/6, para 16).

Response

92. Women hold 57% representation in Local Government Councils on Family Islands (rural communities).

93. Family Island Women have access to social services, education and health care facilities. Women on all Family Islands have access to medical services. Doctors are in post on all except three of the Family Islands. In the case of the latter, these islands have visiting doctors.

94. With respect to basic social services, the Department of Social Services provides assistance for women of The Bahamas, including financial, health, temporary accommodation and food. Referrals are made to legal aid services on behalf of rural women who are unable to afford the services of a lawyer.

95. Magistrates Court services exist on the major Family Islands, including Grand Bahama, Abaco, Eleuthera and Exuma. For the other Family Islands, legal services are provided by the Family Island Administrator.

Women with disabilities

96. Please provide updated information on any steps taken to introduce anti-discrimination legislation at both national and local level to prevent discrimination against women with disabilities. Please inform the Committee on the currents status of implementation of the Persons with Disabilities (Equal Opportunities) Act (para. 10 of the State Party's report) and on further measures taken to eliminate discrimination of women with disabilities. Please provide information on the extent to which women with disabilities are disproportionately affected by poverty and access to health services, education and employment. Please provide concrete examples of existing social protection schemes in place aimed at reducing the economic burden on women in disadvantaged groups, including women with disabilities (see CEDAW/C/BHS/Q/6, para 17).

Response

97. The Commonwealth of The Bahamas is state party to the United Nations Persons with Disabilities Convention.

98. The Persons with Disabilities (Equal Opportunities) Act, 2014 speaks to all areas of discrimination and in particular as stated in Part III – Rights of Persons with Disabilities as it relates to Employment; Vocational Training skills, development and training programmes; Discrimination by employers is prohibited; Rights to Healthcare services; Housing; Accessibility and mobility to Public Buildings and Parking; Public Transportation; Service animals, Auxiliary Social Services; Sports and recreation and Voting.

99. Under Section 24 of the Persons with Disabilities (Equal Opportunities) Act, 2014, the Minister responsible for Social Services shall ensure that persons with disabilities who are in vulnerable situations are encouraged to function and participate in community affairs by assisting with:

- The acquisition of prosthetic devices, assistive or adaptive devices and medical intervention. Disability Affairs Division continues to provide assistive devices and financial support for medical intervention to women with disabilities;
- Specialized training activities designed to improve the functioning of persons with disabilities with respect to their communication skills. In the Fall of 2017, the Bahamas Training Agency, a State Body, for the first time admitted persons who are deaf, many of whom were young women, into one of their training programmes;
- The development among persons with disabilities of a positive self-image through the provision of counselling, orientation and mobility in order to strengthen their daily living capability. More recently, the Government partnered with the NGO Disability Training Center to provide extended training and orientation of persons with a cross section of disabilities in the areas of self-development, soft skills and employability skills training;
- Family care services geared towards developing the capability of families to respond to the needs of persons with disabilities. Disability Affairs Division continue to organize and operate a number of orientation and training sessions for families of persons with disabilities. In addition, the Government continues a very vibrant partnership with disability-related NGOs in the provision of

services, support and training for individuals with disabilities and their families. More recently, the Government has engaged with REACH, a local autism spectrum education NGO, on conducting a full study of autism spectrum in The Bahamas, and ways families can be better supported. This in being done is collaboration with the global NGO, Autism Speaks;

- Substitute family care services and facilities for abandoned, neglected, abused and unattached persons with disabilities who need an alternative form of care based on their individual needs. The Government continues to provide subvention and technical support to a number of NGO facilities which provide care to children and the elderly, many of whom have a large percentage of girls and women with disabilities. Nazareth Centre for Children, and Unity House for seniors are two examples;
- Family after care and follow-up services for the continued rehabilitation in a community-based setting of persons with disabilities who are discharged from residential care or rehabilitation centres. The Government through its Department of Rehabilitative Welfare Services, provides some after-care and follow-up services;
- Day care services for children with disabilities of pre-school age. The Government continues to make provision for day care services for children with disabilities by providing subventions, personnel and technical support to a number of NGO operated centres which cater to children with disabilities. For example, the Bahamas Association for the Physically Disabled.

Refugees and asylum-seeking women

100. With reference to paras. 72-76 of the State party's report, please inform the Committee on the legislation in place in the State party to protect refugees and asylum-seeking women from forced return to countries where they may face gender-based violence or harmful practices. Please provide information on capacity-building and guidelines for border police, immigration officers and other law enforcement officials on early identification of persons in need of international protection, such as refugee women, stateless women and women and girls victims of trafficking, and for their referral to appropriate social services (see CEDAW/C/BHS/Q/6, para 18).

Responses

101. The Bahamas does not have a specific legislation that deals with refugees and asylum seekers. A Migration Working Group, including representatives from the Office of the Attorney General and the Department of Immigration, formulated Standard Operating Procedures (SOPs) for the protection of refugees and asylum seekers seeking refuge and asylum status within The Bahamas. It should be noted that during the period of 2012-2017, twenty-seven (27) asylum seekers were recognized as refugees.

102. The Migration Working Group also evaluated United Nations High Commission for Refugees (UNHCR's) 10 Point Plan of Action and the Brazil Plan of Action and has been working towards the implementation of their obligations.

103. In April, 2017, the Migration Working Group, in conjunction with the local United Nations High Commission for Refugees (UNHCR) held a training session on the SOPs for the Refugee Unit and Senior Immigration Officers within the Department of Immigration. Additionally, training for the Department of Immigration is proposed for the latter part of 2018.

104. In para. 74, the report states that asylum seekers may face detention, although not for lengthy periods. Please inform the Committee on the measures in place in the State party to ensure that asylum-seeking women and adolescent girls, especially those who are unaccompanied, are protected from gender-based violence, sexual harassment, and trafficking and that they have adequate access to health services, in particular sexual and reproductive health services. Please indicate the safeguards in place to ensure that asylum-seeking women and girls are separated from male asylum seekers, unless these are close family relatives. Please provide information on access to services, and whether legal and medical services, in particular gynaecological and obstetrical services, are accessible free of charge for all asylum-seeking women and girls (see CEDAW/C/BHS/Q/6, para 19).

Response

105. The Department of Immigration in collaboration with UNHCR was instrumental in four (4) Immigration officers undergoing 3 to 6 weeks training in the United States of America on Refugee Status determination. Further, the Superintendent at the Department of Immigration conducts ongoing training for ports of entries, the detention centre and enforcement unit, (enforcement branch and street operations) to sensitize officers and enable them to identify potential vulnerable migrants, which includes potential Trafficking in Persons (TIP) victims.

106. Additionally, potential victims of TIP who may be initially identified through the training will be referred to the Superintendent for further evaluation. On assessment, the TIP protocols will be activated where investigations will be done by the Police arm of the TIP Committee.

107. Members of the TIP Committee and Task Force completed a 3-week training in Mexico City in December, 2017. In March, 2018, the TIP Committee and Task Force completed a training on protocols to care for potential victim of trafficking.

108. The Migration Working Group also spearheaded the planning and execution of the Caribbean Migration Consultations (CMC) meeting held in The Bahamas in December, 2017. One of the agenda items at this meeting was the triennial review of the implementation of the Brazil Plan of Action.

109. An asylum seeker may not be discovered until detention, however the training received by Detention Centre Officers enable them to detect trigger indicators from potential victims. In these circumstances, a screening process is activated. Non-refoulement is the order of the day until a proper screening or assessment of these individuals have been completed.

110. It is the policy of the Detention Centre to separate men and women in the accommodations. In the case of women detainees with children, they are kept in separate accommodations, in keeping with international standards, called 'safe houses'. In 2014, the Department of Immigration (DOI) established a safe house outside the Carmichael Road Detention Centre for this sole purpose. There is a fully equipped multi-family accommodation with adequate outdoor recreation space for children. The facility is administered by DOI and twenty-four hour security is provided by the Royal Bahamas Defence Force. There is a full-time social worker, cook, and janitor. The Bahamas Red Cross assists with donations of clothing, blankets, toiletries and miscellaneous items as necessary for the women and children.

111. There is a medical dorm at the Detention Centre, where detainees may receive adequate medical attention. Doctors visit the Detention Centre three times weekly and nurses visit daily.

112. At the time of this reporting (1st July, 2018), 45 persons (34 males and 11 females) resided at the Detention Centre. Two persons (1 adult and 1 child) were at the Safe House.

113. The facilities at the Detention Centre do not allow for males and females to come into contact with each other. There is a female dorm and a male dorm.

114. Migrants who are in breach of the Immigration Act are processed and detained for repatriation. The training given by the Refugee Administration Unit officers at the Detention Centre and Enforcement Unit enables those officers to identify triggers activated by vulnerable migrants who will then be screened by the office of the Refugee Administration Unit to ascertain whether or not there are protection issues.

115. Persons presenting themselves at the ports of entries or walk-ins to the Department of Immigration do not face detention if they request Asylum. Persons who are in the Detention Centre who are screened for asylum are not repatriated unless their claim had been deemed invalid.

Marriage and family relations

116. In its previous concluding observation, the Committee was concerned that article 26 (1) of the Constitution does not protect against discrimination with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law. Please provide information on steps taken to repeal article 26 (1) of the Constitution and to eliminate these decimations in the legislation (see CEDAW/C/BHS/Q/6, para 20).

Response

117. As stated, a Constitutional Referendum was held in June, 2017 in attempts to protect women from discrimination, however the Referendum was unsuccessful.

118. Please indicate whether and how considerations of gender-based violence against women in the domestic sphere are taken into account when ruling on child custody and visitation rights. Please also provide an update on the regulations pertaining to child maintenance, including whether a minimum level of maintenance has been established. With reference to paragraph 38(a) of the previous concluding observations (CEDAW/C/BHS/CO/1-5), please provide an update on the status of the unified family court system (para. 154). Please indicate which steps have been taken in order to enact legal provisions governing de facto unions, with an aim to ensure protection and redress for women in cases of separation (see CEDAW/C/BHS/Q/6, para 21).

Response

119. With respect to Child custody and visitation rights, the Child Protection Act, 2007, states in Section:

> 14 (2) A Court shall when considering the issue of custody or access have regard to the past contribution of the parent to the care, maintenance and upbringing of the child.
>
> 21 (4) Without prejudice to subsection (3) the father of a child born out of wedlock may in the course of any proceedings for a maintenance order or in other proceedings make application to any court for custody of the child and the court may make such order if it is shown to the satisfaction of the court that it is in the child's best interest for him to have custody.

29 Where in any proceeding before any court —

(a) the custody or upbringing of a child; or

(b) the administration of any property belonging to or held on trust for a child, or the application of the income thereof, is in question, the court shall in deciding that question, have regard to the guiding principle mentioned in Section 3 (1) and shall not take into consideration whether the claim of the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or vice-versa.

120. With regard to child Maintenance, Section 33 states:

Subject to the other provisions of this Act, every man is hereby required to maintain his own children and also every child, whether born in wedlock or not, which his wife may have living with her at the time of marriage to him so long as such children are unable to maintain themselves.

121. Section 34 states:

"Every widow and unmarried woman is hereby required to maintain her own children, and every woman having children to whom any man is primarily bound under section 33 to maintain, is hereby required to maintain those children in the event of his failing to perform his obligation.

121. Section 53:

A magistrate in making a maintenance order shall have regard to:

(a) the income, earning capacity, property and other financial resources which each the dependant and the respondent has or is likely to have in the foreseeable future;

(b) The financial needs, obligations and responsibilities which each the dependant and the respondent has or is likely to have in the foreseeable future;

(c) The standard of living enjoyed by the dependant before the application;

(d) The age of the respective dependant and the respondent; and the duration of any cohabitation;

(e) Any physical or mental disability of either the dependant or the respondent;

(f) The contributions made by each of the parties to the welfare of the family or household;

(g) Any other matter which in the circumstances of the case the court may consider relevant including any such matters as are mentioned in subsections (5) and (7) of section 4 of the Matrimonial Causes (Summary Jurisdiction) Act.

122. Regarding the Unified family court system, the Office of The Attorney-General and the Ministry of Legal Affairs continues to work on the particulars in establishing the Family Court. The principal aim of a family court system seeks to fill the gaps and inadequacies of the legal system as it relates to 'family law' matters. Such a system would recognize within its jurisdictional limits the needs of the local family, and would seek to develop an indigenous jurisprudence that is reflective of those needs.

123. Another important feature of this specialised court is that it houses an Alternative Dispute Resolution Support Services component, through Mediation and

Counselling Services, which creates a multi-door court system singularly located in the same building. This new improvement caters to the unique needs of our archipelagic nation. Additionally, the premises will enable easy access by all parties; the Court will sit so as to promote mediation rather than an adversarial approach. Counselling rooms will be available as will a "child friendly" space in the Court.

124. The Family Court System Committee has been working at locating an appropriate building to house the courts. This Committee continues to address the creation of special procedural tracks within a family court system so that, while a matter would be required to be initiated in a proper court, as prescribed by the Rules Committee, that matter or any part of it may be referred by the presiding judge to the court at another level along the track without the parties having to initiate a new application. These tracks would remain open in either direction until the matter is finally disposed of. The need for the creation of these special procedural tracks arises from an acute awareness that within the family court system there are ancillary matters in which parties find that the several issues in the same dispute require the intervention of different courts. It has been found expensive and inconvenient for parties to have to initiate claims in different courts for jurisdictional and procedural reasons.

125. Given this policy directive, such a court system would have an obvious multidisciplinary approach, seeking to incorporate both legal and social services into its daily operations, with its main objective being the prevention of the breakdown of the family unit and the protection of the welfare of the members of the family, especially children.

126. A Task Force was appointed to review over twenty (20) pieces of legislation, and the Rules promulgated thereunder, that relate to family matters, with a mandate to streamline and treat family matters as matters of urgency.

127. With respect to de facto unions, no steps have been taken.

Natural disasters

128. According to information before the Committee, the State party is in the hurricane belt and hence susceptible to tropical storms. Please provide information on whether a gender perspective has been incorporated into national disaster management, relief and recovery strategies, and indicate whether women participate at all stages of the disaster management process. Please also inform the Committee if specific budget and human and financial resources have been allocated to undertake or carry out such strategies (see CEDAW/C/BHS/Q/6, para 22).

Response

129. The National Emergency Management Agency (NEMA) has responsibility for National Disaster management, relief and recovery efforts in the country. NEMA coordinates the activities of Government and Non-governmental agencies, which comprises women and men in every island of The Bahamas. NEMA is staffed with a Director and two senior Administrative/Technical officers who are women.

130. NEMA holds monthly meetings with representatives from all government ministries and departments, and NGO's which form the Disaster Management Committee. The Department of Gender Affairs and Family Affairs is represented on that Committee. The Committee also coordinates disaster related activities in all of the Islands outside of the capital.

131. In February 2017, the Department of Gender and Family Affairs in collaboration with the United Nations Entity for Gender Equality and Women's Empowerment

(UN-Women), Multi-country Office (Barbados) conducted a post Hurricane Matthew gender assessment for North Andros and Grand Bahama.

132. The Bahamas is party to the United Nations Framework Convention on Climate Change (UNFCCC), which recognizes the importance of involving women and men equally in its processes and in the development and implementation of national climate policies that are gender-responsive. The Bahamas made representation at the recent 2015 United Nations COP 21 Climate Change Conference where it highlighted its vulnerability to climate change. National initiatives include how to relocate vulnerable communities.

133. Additionally, The Bahamas is a part of the Caribbean Disaster Emergency Management Agency (CDEMA), which is an organ of CARICOM, and is comprised of eighteen (18) Participating States. CDEMA is pursuing a Comprehensive Disaster Management Strategy, 2014–2024. The cross-cutting theme of this strategy comprises of: Climate Change and Adaptation, Information Communication Technology, Gender Mainstreaming, and Environmental Sustainability.

Optional Protocol and amendment to article 20, paragraph 1

134. Please indicate any progress made with respect to the ratification of the Optional Protocol and acceptance of the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time (see CEDAW/C/BHS/Q/6, para 23).

Response

135. The situation remains the same.